

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BRANDON E. COOLEY, DDS AND AARON
C. COOLEY, DDS; CRAIG PEARCE, DMD
AND CRAIG PEARCE, DMD PLLC; SIMONE
W. KIM, DDS AND LISA W. PARK, DDS;
SUKHDEV SINGH, DMD; GLORIA TUCKER
DDS AND GLORIA TUCKER, DDS P.S., J.
BREWSTER BEDE DDS AND J. BREWSTER
BEDE DDS, P.S.; and DANIS L. LAIZURE
DMD d.b.a. WALLA WALLA DENTAL
CARE,

Plaintiffs,

v.

ASPEN AMERICAN INSURANCE
COMPANY,

Defendant.

Civil Action No. 2:22-CV-00480-RSM-TLF

STIPULATION AND ORDER TO STAY
PROCEEDINGS FOR NINETY DAYS

Plaintiffs Brandon E. Cooley, DDS and Aaron C. Cooley, DDS; Craig Pearce, DMD and
Craig Pearce, DMD PLLC; Simone W. Kim, DDS and Lisa W. Park, DDS; Sukhdev Singh, DMD,
Gloria Tucker DDS and Gloria Tucker, DDS P.S.; J. Brewster Bede DDS and J. Brewster Bede
DDS, P.S.; and Danis L. Laizure DMD, and Defendant Aspen American Insurance Company
stipulate to, and respectfully request on the terms set forth herein, a stay of all proceedings in this

1 case, including discovery proceedings, for 90 days after the Court enters an Order granting the
2 stipulation.

3 WHEREAS:

4 1. On March 11, 2022, Plaintiffs filed this action in King County Superior Court.

5 2. On April 11, 2022, Defendant removed the action to this Court pursuant to 28 U.S.C.
6 §§ 1332, 1441, and 1446 and Rule 101 of the Local Civil Rules.

7 3. On April 15, 2022, the parties stipulated to a brief extension of Defendant's time to
8 answer, move, or otherwise respond to Plaintiffs' complaint until May 2, 2022, and the Court
9 entered an order granting the stipulation on April 18, 2022. Docket Nos. 7, 8.

10 4. On April 21, 2022, the Court issued an order setting the following initial scheduling
11 dates:

12 a. A May 12, 2022 deadline for a Rule 26(f) conference;

13 b. A May 26, 2022 deadline to exchange initial disclosures; and

14 c. A June 2, 2022 deadline to submit a Joint Status Report and Discovery Plan.

15 5. This action is a COVID-19 property insurance case in which Plaintiffs seek insurance
16 coverage from Defendant for losses resulting from compliance with government COVID-19 orders.

17 6. The threshold legal issues in this case are currently being considered by appellate
18 courts interpreting and applying Washington law. The resolution of those appeals may provide
19 guidance regarding the proper resolution of this action and may narrow the issues presented to and
20 litigated before this Court.

21 7. A 90-day stay of all proceedings in this case will allow the parties to efficiently
22 litigate this case and preserve party and Court resources.

23 8. The parties agree that Defendant will answer, move, or otherwise respond to
24 Plaintiffs' complaint 30 days after the expiration of the stay, unless the stay is extended.

25 9. The parties further agree that the discovery deadlines in the Court's April 21, 2022
26 order are suspended during the pendency of the stay.

10. The stipulation will not prejudice either party. The parties do not waive any claims or defenses with this stipulation.

IT IS HEREBY STIPULATED AND AGREED, pending the Court's approval, that the above-captioned matter is stayed in its entirety for 90 days from the date the Court enters an Order granting the stipulation. The parties may stipulate to extend the stay at a later date. Defendant will answer, move, or otherwise respond to Plaintiffs' complaint 30 days after the expiration of the stay, unless the stay is extended. The discovery deadlines in the Court's April 21, 2022 order are suspended during the pendency of the stay.

The parties respectfully request the Court to enter the accompanying Proposed Order granting the relief to which the parties have stipulated.

[signature page follows]

1 DATED this 27th day of April, 2022.

2
3 KELLER ROHRBACK L.L.P.

SIDLEY AUSTIN LLP

4 /s/ * Gabe Verdugo

/s/ Robin E. Wechkin

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10 ***Attorneys for Plaintiffs***

11 **Signed with permission.*

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17 ***Attorneys for Defendant***

ORDER

The Court has considered the parties' Stipulated Motion and [Proposed] Order. In light of the parties' request to stay this case, as the threshold legal issues presented here are currently being considered by appellate courts applying and interpreting Washington law, the Court **HEREBY ORDERS** that the case is stayed in its entirety for 90 days. The parties may stipulate to a further extension of the stay at a later date. Defendant will answer, move, or otherwise respond to Plaintiffs' complaint 30 days after the expiration of the stay, unless the stay is extended. The discovery deadlines in the Court's April 21, 2022 order are suspended during the pendency of the stay.

IT IS SO ORDERED.

DATED this 4th day of May, 2022.



RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE

PRESENTED BY:

DATED this 27th day of April, 2022.

SIDLEY AUSTIN LLP

/s/ Robin E. Wechkin

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Attorneys for Defendant

CERTIFICATE OF SERVICE

I certify that on this 27th day of April, 2022, I caused this document to be electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of the filing to the parties who have appeared in this case.

/s/ Robin E. Wechkin

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